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HOUSE BILL 1066

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING AN INCREASED CRIMINAL
PENALTY FOR UNLAWFUL CARRYING OF A DEADLY WEAPON WHILE
TRAFFICKING A CONTROLLED SUBSTANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-2 NMSA 1978 (being Laws 1963,
Chapter 303, Section 7-2, as amended) is amended to read:

"30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

A. Unlawful carrying of a deadly weapon consists of
carrying a concealed loaded firearm or any other type of deadly
weapon anywhere, except in the following cases:

(1) in the person's residence or on real
property belonging to [~~him~~] the person as owner, lessee, tenant
or licensee;

(2) in a private automobile or other private

underscored material = new
[bracketed material] = delete

1 means of conveyance, for lawful protection of the person's or
2 another's person or property;

3 (3) by a peace officer in accordance with the
4 policies of [~~his~~] the peace officer's law enforcement agency
5 who is certified pursuant to the Law Enforcement Training Act;

6 (4) by a peace officer in accordance with the
7 policies of [~~his~~] the peace officer's law enforcement agency
8 who is employed on a temporary basis by that agency and who has
9 successfully completed a course of firearms instruction
10 prescribed by the New Mexico law enforcement academy or
11 provided by a certified firearms instructor who is employed on
12 a permanent basis by a law enforcement agency; or

13 (5) by a person in possession of a valid
14 concealed handgun license issued to [~~him~~] the person by the
15 department of public safety pursuant to the provisions of the
16 Concealed Handgun Carry Act.

17 B. Nothing in this section shall be construed to
18 prevent the carrying of any unloaded firearm.

19 C. Whoever commits unlawful carrying of a deadly
20 weapon is guilty of a petty misdemeanor; except a person is
21 guilty of a third degree felony if the person commits unlawful
22 carrying of a deadly weapon by carrying a firearm while
23 violating the provisions of Section 30-31-20 NMSA 1978."

24 Section 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2007.

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